



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

NOV 17 2004

**Zimmerman Properties LLC
1845 S. National
Springfield, Missouri 65804**

RE: MUR 5611

Dear Sir/Madam:

On November 9, 2004, the Federal Election Commission found that there is reason to believe Zimmerman Properties LLC violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

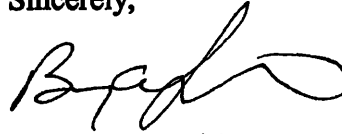
If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Beth Mizuno, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradley A. Smith", with a stylized flourish at the end.

Bradley A. Smith
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Zimmerman Properties LLC

MUR: 5611

This matter was initiated by the Federal Election Commission (“the Commission”), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Federal Election Campaign Act of 1971, as amended (the “Act”), prohibits corporations from making any contribution or expenditure, directly or indirectly, in connection with any Federal election from general treasury funds.¹ 2 U.S.C. § 441b(a). However, Commission regulations allow contributions from a limited liability company (“LLC”) if the LLC does not elect to be treated as a corporation by the Internal Revenue Service and, if it files as a partnership, has no partners that would be prohibited from making contributions. *See* 11 C.F.R. § 110.1(g)(2) and (4). The Act also prohibits a person from making contributions to a party committee that exceed \$5,000 during the calendar year. 2 U.S.C. § 441a(a)(1)(C).

Zimmerman Properties LLC is a limited liability company organized under the laws of Missouri.

On or about September 28, 2000, Zimmerman Properties LLC made a \$10,000 contribution to the Missouri Democratic State Committee (“the MDSC”) in connection with the

¹ All of the facts recounted herein occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Act herein are to the Act as it read prior to the effective date of BCRA and all citations to the Commission’s regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission’s promulgation of any regulations under BCRA. All statements of the law herein that are written in the present tense shall be construed to be in either the present or the past tense, as necessary, depending on whether the statement would be modified by the impact of BCRA or the regulations thereunder.

1 2000 Federal elections. The MDSC is registered with the Commission as the Democratic state
2 party committee in Missouri and is a political committee within the meaning of 2 U.S.C.
3 § 431(4). Zimmerman Properties LLC's contribution was made with a check apparently drawn
4 on a general corporate treasury account. While it may have been an eligible contributor,
5 Zimmerman Properties LLC's contribution exceeds the \$5,000 statutory limit. Accordingly,
6 there is reason to believe that Zimmerman Properties LLC made a contribution to the MDSC in
7 violation of the contribution limit at 2 U.S.C. § 441a(a)(1)(C) and reason to believe that
8 Zimmerman Properties LLC made a prohibited corporate contribution to the MDSC in violation
9 of 2 U.S.C. § 441b(a).

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